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PP RUEHAST RUEHBI RUEHCI RUEHDBU RUEHLH RUEHNEH RUEHPW  
DE RUEHNE #2416/01 3351322  
ZNR UUUUU ZZH  
P 011322Z DEC 09  
FM AMEMBASSY NEW DELHI  
TO RUEHCG/AMCONSUL CHENNAI 5352  
RUEHCI/AMCONSUL KOLKATA 4562  
RUEHBI/AMCONSUL MUMBAI 4379  
RUEHC/SECSTATE WASHDC 8764  
INFO RULSDMK/DEPT OF TRANSPORTATION WASHDC PRIORITY  
RHMCSSU/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY  
RHMCSSU/TSA HQ WASHINGTON DC PRIORITY  
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 2339  
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
RHMCSSU/FAA NATIONAL HQ WASHINGTON DC

UNCLAS SECTION 01 OF 02 NEW DELHI 002416

SENSITIVE  
SIPDIS

STATE FOR SCA/INSB, SCA/RA, EEB/TRA/OTP, EEB/TRA/AN  
PASS TO DOT/SHADLEY  
DHS PASS TO TSA/OCC MSHARABI, TSA/OGS DMCQUAID, JC CASTLEBERRY  
SINGAPORE FOR TSA/TKEENE

E.O. 12958: N/A

TAGS: [EAIR](#) [PREL](#) [PTER](#) [ECON](#) [IN](#)

SUBJECT: CIVAIR INDIA: CLARIFICATION SOUGHT ON SECURITY SCREENINGS  
FROM MINISTRY OF CIVIL AVIATION

REF: STATE 122215

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¶1. (SBU) Summary: ECON/EST MIN-COUNS November 30 delivered reftel  
demarche on security screenings to Ministry of Civil Aviation (MOCA)  
Secretary Nambiar. In response, Nambiar, noting that differing  
national screening guidelines created "muddy water," agreed that the  
United States and India must cooperate closely to ensure aviation  
security consistent with passenger dignity. He indicated that the  
GOI is interested in signing the Airport Technical Visit Memorandum  
of Understanding (BCAS MOU) at the December 6-12 India-U.S. Aviation  
Summit in Washington. Nambiar sees this as helping to build trust  
and greater mutual understanding on this sensitive issue. GOI  
participants also said that a decision on mandatory travel agency  
commissions is being forwarded to the Law Ministry for a legal  
finding. END SUMMARY.

¶2. (SBU) In a cordial and productive November 30 meeting, EEST M-C,  
raised reftel demarche with MOCA Secretary Nambiar, India's senior  
career aviation official. EEST M-C also provided Nambiar with the  
TSA security directive and emergency amendment (SD/EA) that are the  
basis for the security screenings at issue and accompanying release  
letter. While allowing that he does not have line responsibility  
for security issues which fall under the Bureau of Civil Aviation  
Security (BCAS), Nambiar agreed that it was important that the  
United States and India cooperate on security, of utmost concern to  
both countries.

¶3. (SBU) Econoffs also requested an update on the status of the BCAS  
MOU. Secretary Nambiar said it was highly likely that the BCAS MOU  
would be ready for signing at the upcoming U.S.-India Aviation  
Partnership Summit in Washington D.C. (December 6-12). Nambiar  
declared that the BCAS MOU is a step in the right direction. He  
said visits and discussions under it would help build trust and  
greater understanding of each country's concerns. He asked that  
Econoffs stay in close contact with his office to follow up on the  
MOU in the coming week.

¶4. (SBU) After hearing out U.S. concerns regarding secondary  
screenings, Nambiar said the conflict between TSA's SD/EA and Indian  
law (VVIP exemption list) created a difficult and delicate political  
situation which has to be handled carefully as to not inflame the  
matter or make muddy waters "more muddy." Clearly grasping the

potential problems for U.S.-India civil air cooperation, Nambiar allowed that BCAS is comprised of individuals who, rather than seeing the big picture followed the rules (the rules being listed VVIPs are exempt from screening). Nonetheless, Nambiar pledged, BCAS would not do anything to create an unwanted situation. Nambiar suggested that this issue be downplayed for the near term and urged finding a way forward over time while keeping an eye on the sensitivities involved.

¶ 15. (SBU) In addition to the strong possibility of finalizing the BCAS MOU, Secretary Nambiar indicated the MOU concerning the deployment of air marshals (FAMS MOU) (undergoing clearance process at the Ministry of External Affairs) might also be ready in time to be signed at the Summit. He commented that it would be very nice to commemorate the signing of one or both MOUs with a ceremony. Although no one from BCAS would be part of the delegation, he himself or Director General of Civil Aviation Zaidi legally could sign either MOU.

¶ 16. (SBU) MOCA Joint Secretary Sukul, also present during the demarche delivery, told Econoffs that DGCA and MOCA had made a decision on mandatory travel agency commissions, and that the decision was being forwarded to the Law Ministry for a legal finding before being issued. Both Nambiar and Sukul said this process would not take very long. When asked if they could provide any information on the specifics of the decision, Sukul said the decision was in line with earlier discussions with Econoffs and what he communicated to John Byerly and Mary Street during their September 29 informal meeting on the sidelines of ICAO's air services negotiating conference in Istanbul. (Note: Sukul previously stated it is not government's role to interfere in commercial arrangements between airlines and travel agents. End Note).

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¶ 17. (U) Nambiar and Sukul did not impart any additional information regarding the new ground handling policy scheduled to come into effect January 1. Nambiar understands this will be discussed during his Washington, D.C. meeting with EEB/TRA/AN.

¶ 18. (U) On December 1 Econoff contacted Ministry of External Affairs to make arrangements for delivering the demarche to appropriate officials.

¶ 19. (U) Econoff will follow up on the status of the BCAS MOU with MOCA and report back via email.

ROEMER